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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Comments of the Human Rights Committee

ALGERIA

1. The Committee considered the initial report of Algeria (CCPR/C/62/Add.1) at its 1125th and 1128th meetings, held on 25 and 27 March 1992, and adopted* the following comments:

A. Introduction

2. The Committee notes that the dialogue with the Algerian delegation was particularly constructive, because the delegation endeavoured to answer members' questions candidly without trying to conceal the difficulties. It thanks the State party through the latter's representative for its good report, which was submitted within the specified period. The report contains detailed information on the laws and regulations relating to the application of the provisions of the Covenant. The Committee regrets, however, that the report includes little information concerning the actual application of human rights standards. It also regrets the failure of the report to indicate the factors and difficulties which are impeding the application of those standards. Lastly, it notes with regret that the report, having been submitted on 5 April 1991, could make no reference to the states of emergency, notification of which reached the Secretary-General on 19 June and 13 February 1992 respectively.

* At the 1147th meeting, held on 9 April 1992.

B. Positive aspects

3. The Committee notes with satisfaction that Algeria has ratified or acceded to a number of international human rights instruments, in particular the Covenant and the first Optional Protocol thereto, and has made the declaration provided for in article 41 of the Covenant. In addition, Algeria has included in its Constitution various provisions relating to human rights and has amended a number of legislative texts in order to reflect international human rights standards. The Committee also notes with satisfaction the establishment of a Ministry of Human Rights later replaced by a national human rights monitoring body.

C. Factors and difficulties impeding the application of the Covenant

4. The Committee notes that at the time of the submission of the report, Algeria was in a process of transition to democracy. Since that time, Algeria has been faced with substantial difficulties which have brought this process to a standstill. The Algerian authorities therefore considered such ways and means as seemed to them appropriate in order to prevent forces that they considered hostile to democracy from taking advantage of democratic procedure in order to harm democracy. Among the measures adopted in this respect are the proclamation of the two states of emergency and the interruption of the electoral process.

D. Principal subjects of concern

5. The Committee expresses its concern regarding the suspension of the democratic process and, in general, regarding the blocking of democratic mechanisms. It is concerned about the high number of arrests (8,800) and the abusive use of firearms by members of the police in order to disperse demonstrations. The Committee expresses doubts about respect for due process, especially before military tribunals, about the real possibilities for implementing the right to a fair trial, about the numerous cases of torture and ill-treatment which have been brought to its attention, and about the restrictions on rights to freedom of opinion and expression and freedom of the press. The Committee further considers that, in the light of the provision of article 6 requiring States parties which have not abolished the death penalty to reserve it for the most serious crimes, it is contrary to the Covenant to impose the death penalty for crimes which are of an economic nature.

6. The Committee also regrets the many cases of discrimination against women and the non-recognition of minorities, especially the Berbers.

E. Suggestions and recommendation

7. The Committee recommends that Algeria put an end as promptly as possible to the exceptional situation which prevails within its borders and allow all the democratic mechanisms to resume their functioning under fair and free conditions. It draws the attention of the State party to the fact that the Covenant does not permit derogation from certain rights even in times of emergency and that, therefore, any excesses relating to, inter alia, the right to life, torture and the right to freedom of conscience and expression are violations of the Covenant which should not be allowed to continue. The Committee hopes that the State party will make an evaluation of the application of the provisions of the Covenant after the report was written and would like to be kept informed of any charges in the situation and of all future developments.